

C. Brandon Wisoff (SBN 121930)
bwisoff@fbm.com
Benjamin J. Sitter (SBN 273394)
bsitter@fbm.com
FARELLA BRAUN + MARTEL LLP
235 Montgomery Street, 17th Floor
San Francisco, CA 94104
Telephone: (415) 954-4400
Facsimile: (415) 954-4480

Frederick B. Warder III
(*admitted pro hac vice*)
fbwarder@pbwt.com
PATTERSON BELKNAP WEBB &
TYLER LLP
1133 Avenue of the Americas
New York, NY 10036
Telephone: (212) 336-2121
Facsimile: (212) 336-2222

Attorneys for Defendants L'ORÉAL
USA, INC. and MAYBELLINE, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LIAT ORSHANSKY, on behalf of
herself and others similarly situated,

Plaintiffs,

vs.

L'OREAL USA, INC. , a Delaware
corporation; MAYBELLINE, LLC, a
New York limited liability company
dba MAYBELLINE, NEW YORK,

Defendants.

Jeremy Feigelson
(*to be admitted pro hac vice*)
jfeigelson@debevoise.com
Jeffrey S. Jacobson
(*to be admitted pro hac vice*)
jsjacobson@debevoise.com
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, NY 10022
Telephone: (212) 909-6000
Facsimile: (212) 521-7479

CASE NO. 3:12-CV-06342-CRB

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT**

DATE: April 19, 2013
TIME: 10:00 a.m.
PLACE: Courtroom 6, 17th Floor
JUDGE: Hon. Charles R. Breyer

1 The motion of Defendants' L'Oréal USA, Inc. and Maybelline, LLC
 2 ("Defendants") to dismiss Plaintiff's Complaint or, in the alternative, to request a
 3 more definite statement in the above-captioned case came regularly for hearing by
 4 the Court on April 19, 2013. Based on the motion, the arguments of counsel and all
 5 papers presented to the Court, being duly advised and good cause appearing, the
 6 Court hereby grants Defendants' motion. In doing so, the Court rules that:

7 (1) Plaintiff failed to plead an injury sufficient to confer standing under the
 8 California Legal Remedies Act (Cal. Civ. Code §§ 1750 *et seq.*), breach of express
 9 warranty, breach of implied warranty of merchantability, the California False
 10 Advertising Law (Cal. Bus. & Prof. Code §§ 17500 *et seq.*), the California Unfair
 11 Business Practices Law (Cal. Bus. & Prof. Code §§ 17200 *et seq.*), the Song-
 12 Beverly Act (Cal. Civ. Code §§ 1790 *et seq.*), and the Magnuson-Moss Warranty
 13 Act (15 U.S.C. §§ 2301 *et seq.*).

14
 15 (2) Plaintiff failed to state a claim upon which relief can be granted under any
 16 of these statutes or theories; and

17 (3) Plaintiff failed to plead facts sufficient to provide a short, plain statement
 18 showing she is entitled to relief and failed to plead her fraud-based claims with
 19 particularity as required by Rules 8 and 9 of the Federal Rules of Civil Procedure.

20
 21 IT IS HEREBY ORDERED that Plaintiff's Complaint, and each claim
 22 thereof, be dismissed.

23 DATED:

24
 25 _____
 26 Hon. Charles R. Breyer
 27 United States District Court Judge
 28